

(1987) 12 AHC CK 0015

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. Nil of 1987

Bhagwandas

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 23-12-1987

Acts Referred:

Customs Act, 1962 — Section 143

Citation : (1988) 35 ELT 628

Hon'ble Judges : R.K. Gulati, J;K.C. Agarwal, J

Bench : Division Bench

Judgement

K.C. Agarwal, J.—We have heard Shri A.P. Mathur the learned counsel for the petitioner as well as the counsel appearing for the Union of India.

2. In this case, the trucks of the petitioner alongwith contravened goods bearing N6,s. PAT 2017 and PJB 3097 were seized by the Central Excise and Customs to release them. The writ petition was rejected. While rejecting the court ordered that the petitioner should move a proper application for provisional release as required u/s 143 of the Customs Act, 1962. Upon the application being made they would be decided within one month from the filing of the same. The applications made by the petitioner are still pending before respondent No. 3. Apart from the filing of the application the petitioner had also approached respondent No. 2 for the same. The petitioner feeling aggrieved has come to this court again seeking direction to Dy. Collector, Central Excise and Customs for release of his trucks.

3. We, after hearing the counsel for the petitioner, are of the opinion that it would be in the interest of justice to direct to respondent No. 3 to decide the application made u/s 143 of the Customs Act for provisional release of the trucks within 10 days from the date of filing of a certified copy of this order. Failing to decide the application, the petitioner will be entitled to get release of the trucks aforesaid after furnishing bonds as required u/s 143 of the aforesaid Act. The bonds to be executed by the petitioner shall be to the value of the trucks. With

the observation made above, the writ petition is disposed of. The petitioner shall be given a certified copy of the order, if applied for, within two days.